

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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SOUTHERN DISTRICT OF OHIO
EAST DIV. COLUMBUS

UNITED STATES OF AMERICA

v.

RUDOLPH JOSEPH FOX, JR.

CASE NO. 2:09-cr-078

26 U.S.C. § 7201

26 U.S.C. § 7203

Judge Marbley

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about the 15th day of April, 2003, in the Southern District of Ohio, RUDOLPH JOSEPH FOX, JR., a resident of Fredericktown, Ohio, did willfully attempt to evade and defeat the income taxes due and owing by him to the United States of America for the calendar year 2002, by (a) having demanded that MCI Worldcom Network Services, for which he was employed, not withhold federal taxes from his salary or wages for 2002, and (b) failing to file with the Internal Revenue Service a timely Income Tax Return and failing to pay federal income taxes for 2002, whereas the said RUDOLPH JOSEPH FOX, JR., had received salary or wages in the amount of \$88,486 for that calendar year from MCI Worldcom Network Services, had taxable income of \$65,716, and had income taxes thereon due and owing to the United States of America in the amount of \$10,942.

In violation of Title 26, United States Code, Section 7201.

COUNT 2

On or about the 15th day of April, 2004, in the Southern District of Ohio, RUDOLPH JOSEPH FOX, JR., a resident of Fredericktown, Ohio, did willfully attempt to evade and defeat the income taxes due and owing by him to the United States of America for the calendar year 2003, by (a) having demanded that MCI Worldcom Network Services, for which he was employed, not withhold federal taxes from his salary or wages for 2003, and (b) failing to file with the Internal Revenue Service a timely Income Tax Return and failing to pay federal income taxes for 2003, whereas the said RUDOLPH JOSEPH FOX, JR. had received salary or wages in the amount of \$87,436 for that calendar year from MCI Worldcom Network Services, had taxable income of \$63,555, and had income taxes thereon due and owing to the United States of America in the amount of \$8,514.

In violation of Title 26, United States Code, Section 7201.

COUNT 3

During the calendar year 2004, RUDOLPH JOSEPH FOX, JR., a resident of Fredericktown, Ohio, in the Southern District of Ohio, had and received gross income exceeding \$15,900, and by reason of such gross income he was required by law, following the close of calendar year 2004 and on or before April 15, 2005, to make an income tax return to the Director,

Internal Revenue Service Center at Cincinnati, Ohio, or to the District Director of the Internal Revenue Service at Cincinnati, Ohio, each being within the Southern District of Ohio, or any other proper officer of the United States, stating specifically the items of his gross income and any deductions, exemptions and credits to which he was entitled, and that well knowing and believing all of the foregoing, the said RUDOLPH JOSEPH FOX, JR., did willfully fail to make an income tax return to the Director of the Internal Revenue Service Center, to the District Director of the Internal Revenue Service, or to any other proper officer of the United States.

In violation of Title 26, United States Code, Section 7203.

COUNT 4

On or about the 13th day of April, 2006, in the Southern District of Ohio, RUDOLPH JOSEPH FOX, JR., a resident of Fredericktown, Ohio, did willfully attempt to evade and defeat the income taxes due and owing by him to the United States of America for the calendar year 2005, by signing, filing and causing to be filed with the Internal Revenue Service a false and fraudulent Income Tax Return, Form 1040EZ, that the said RUDOLPH JOSEPH FOX, JR., had prepared and caused to be prepared, and had signed and caused to be signed, wherein he stated that his taxable income for that calendar year was zero (\$ 0), and that the amount of income tax computed thereon was zero (\$ 0), whereas, as he then and there well knew and believed, his gross income for the said calendar year was the sum of at least \$73,654, salary

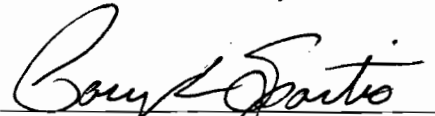
or wages that he had earned as an employee of Smith Medical (Medex, Inc.), and that his taxable income was at least \$51,413, upon which, after computation of appropriate deductions, exemptions and credits, there was due and owing to the United States of America income taxes in the amount of \$4,309.

In violation of Title 26, United States Code, Section 7201.

A TRUE BILL.

3 / Foreperson
FOREPERSON

GREGORY G. LOCKHART
United States Attorney


GARY L. SPARTIS
Deputy Criminal Chief